UNITED STATES PATENT AND TRADEMARK OFFICE

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10/516,376	11/30/2004	Gunter Gegner	PHDE020139US	1408

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EXAMINER
HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
2628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/516,376	GEGNER ET AL.
Office Action Summary	Examiner	Art Unit	
	CHANTE HARRISON	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 February 2009_.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-31_ is/are pending in the application.
    4a) Of the above claim(s) _1,5,8,10-15 and 20_ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _2-4,6,7,9,16-26,30 and 31_ is/are rejected.
7)☒ Claim(s) _27-29_ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment, filed on 2/26/09. This

action is made FINAL.

2.   Claims 2-4, 6, 7, 9, 16-19 and 21-31 are pending in the case. Claims 3, 4, 7, 22

and 31 are independent claims. Claims 2, 4 and 22 have been amended. Claims 1, 5,

8, 10-15 and 20 are cancelled.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in

the relevant art that the inventor(s), at the time the application was filed, had possession

of the claimed invention. Claim 4 recites "positioning and scaling control elements",

which is not disclosed in the Specification.

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

5.   Claim 4 recites the limitation "the control elements" in line 5. There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 3, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by

David McComb et al, US 6,111,573, 2000.

As per independent claim 3, McComb discloses optimizing the presentation on a display

screen of objects of a user interface (Fig. 8) which can be freely positioned and scaled

(col. 7, ll. 10-15; col. 9, ll. 61-65) by means of control elements by means of a

predetermined calculation rule (i.e. layout rule) in such a manner that the objects can be

automatically changed, in dependence on the object contents (col. 7, ll. 10-21; col. 10,ll.

12-14), selected preferred settings (col. 9,ll. 15-24) and available display resource on

the display screen (col. 9, ll. 62-66), between a minimum readable size and a selected

maximum size in such a manner that optimum filling of the available display screen surface is achieved (col. 10, ll. 13-20, 35-40; col. 11, ll. 55-65), while suppressing less important details of the object contents (col. 10, ll. 12-14, 20-24) and while changing the mode of display of the object contents and/or the object (col. 5, ll. 35-40; col. 9, ll. 25-40) as well as while avoiding mutual overlapping of the objects, wherein the objects are ordered in a hierarchy (col. 10, ll. 17-24), an ordering of the hierarchy of combined objects can be changed (i.e. removing low priority graphic components) (col. 10, ll. 20-25).

As per claim 25, McComb discloses designating an object (i.e. objects automatically designated on an object by object basis) (col. 7, ll. 11-19; col. 8, ll. 19-21; col. 9, ll. 53-55); enlarging the designated object (col. 9, ll. 54-56); resizing the other objects to avoid overlapping without reducing the other objects below the minimum readable size (col. 10, ll. 24-39).

As per claim 26, McComb discloses suppressing detail in the other objects to maintain the minimum readable size (col. 10, ll. 12-50; col. 9, ll. 53-58).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claim 2, 22 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by

R. Hochstedler, US 6,707,476, 2004.

As per independent claim 22, discloses generating a plurality of objects (Fig. 2), each object containing the patient monitoring information from a medical measuring device (col. 3, ll. 25-35); positioning and scaling the objects in a group using a calculation rule (i.e. automatic switching of the layout to change the display of the control elements) (col. 1, ll. 55-67) in such a manner that the objects are automatically changeable (col. 1, ll. 55-67) in dependence on object contents (col. 1, ll. 55-58), selected settings (col. 1, ll. 40-45) and available display resources on a display screen while avoiding overlapping objects (Fig. 2); in response to one of the objects ceasing to contain relevant patient monitoring information, automatically, without user intervention, substituting another object (col. 5, ll. 20-30; 50-65) and repositioning and rescaling the displayed objects using the calculation rule (col. 4, ll. 4-11; col. 5, ll. 23-27).

As per dependent claim 2, Hochstedler discloses the objects are arranged within a fixed hierarchy (i.e. objects are weighted where the weighted objects have a priority) (col. 7, ll. 5-10; col. 6, ll. 54-55) in order to enable substitution (i.e. suppression) of objects, based on relative (i.e. interpreted as the lowest) hierarchical level (i.e. weight/priority is used in switching the layout of objects that no longer provide data, e.g. subtracted sensor or suppressed sensor data) (col. 7, ll. 40-45; col. 5, ll. 25-30).

As per independent claim 31, Hochstedler discloses a display screen (Fig. 2); an interface which receives dynamically varying patient data and displays the patient data

in objects on the display screen (fig. 2; col. 1, ll. 15-35), the interface implementing a

calculation rule to: implement the method as claimed in claim 22. The rationale as

applied in the rejection of claim 22 applies herein.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 4, 6, 16-18 and are rejected under 35 U.S.C. 103(a) as being

unpatentable over R. Hochstedler, US 6,707,476, 2004, and further in view of David

McComb et al, US 6,111,573, 2000.

As per independent claim 4, Hochstedler discloses generating a plurality of objects,

each object containing patient information from a medical measuring device (col. 1, ll.

10-15; col. 3, ll. 20-25); positioning and scaling the control elements with a

predetermined calculation rule to (i.e. automatic switching of the layout to change the

display of the control elements) (col. 1, ll. 55-67) form at least a first group of objects

corresponding to the first patient and a second group of objects corresponding to the

second patient (col. 1, ll. 19-25; col. 3, ll. 20-25) in such a manner that the objects can

be automatically changed (col. 1, ll. 55-67) in dependence on object contents (col. 1, ll.

55-58), selected preferred settings (col. 1, ll. 40-45); displaying the objects in

dependence on the available display resource in such a manner that optimum filling of

the available display screen surface is achieved while avoiding mutual overlapping of

the objects (Fig. 2); displaying the first and second groups of objects on a display device

(col. 3, ll. 20-25).

Hochstedler fails to disclose <u>the objects can be automatically changed, in dependence</u>

<u>on the available display resource on the display screen between a minimum readable</u>

<u>size and a selected maximum size</u> in such a manner that optimum filling of the available

display screen surface is achieved while avoiding mutual overlapping of the objects.

McComb discloses positioning and scaling (col. 7, ll. 10-15; col. 9, ll. 61-65) the control

elements with a predetermined calculation rule (i.e. layout rule) in such a manner that

the objects can be automatically changed, in dependence on the object contents (col. 7,

ll. 10-21; col. 10,ll. 12-14), selected preferred settings (col. 9,ll. 15-24) and available

display resource on the display screen (col. 9, ll. 62-66), between a minimum readable

size and a selected maximum size in such a manner that optimum filling of the available

display screen surface is achieved (col. 10, ll. 13-20, 35-40; col. 11, ll. 55-65) as well as

while avoiding mutual overlapping of the objects.

It would have been obvious to one of ordinary skill in the art at the time of

invention to include McComb's automatically changing objects, in dependence on the

available display resource on the display screen between a minimum readable size and a selected maximum size in such a manner that optimum filling of the available display screen surface is achieved while avoiding mutual overlapping of the objects with the method of Hochstedler because Hochstedler teaches automatically changing objects in dependence of system capabilities (col. 1, ll. 55-60) where the change in display of the objects fills the available display screen surface (Fig. 2).

One of ordinary skill in the art would have been motivated to include McComb's automatically changing objects, in dependence on the available display resource on the display screen between a minimum readable size and a selected maximum size in such a manner that optimum filling of the available display screen surface is achieved while avoiding mutual overlapping of the objects with the method of Hochstedler for the benefit of increased control of editing the display layout to meet user needs.

As per dependent claim 6, Hochstedler discloses objects can be automatically substituted among themselves (col. 1, ll. 37-65) as does McComb discloses objects can be automatically substituted among themselves (col. 10, ll. 24-30).

As per dependent claim 16, Hochstedler discloses with the cursor (i.e. pointing device) (col. 1, ll. 12-15), designating one of the objects (Fig. 2 "42"); and, temporarily enlarging the designated object (col. 3, ll. 60-65).
Hochstedler does not specifically disclose generating a cursor on the display screen.

It would have been obvious to one of ordinary skill in the art to include generating a cursor on the display screen with the method of Hochstedler because Hochstedler discloses selecting control elements using mechanisms such as a pointing device, e.g. mouse. Official Notice is given that pointing device movement is well known to be echoed on the screen by movements of a cursor.

As per dependent claim 17, Hochstedler discloses in response to one of the objects ceasing to contain relevant patient monitoring information, automatically, without user intervention, substituting another object for the one object (col. 5, ll. 20-30; 50-65).

As per dependent claim 18, Hochstedler discloses when another object is substituted, automatically repositioning and rescaling the objects using the calculation rule (i.e. upon detecting change in system capabilities a new layout with new dimensions is substituted) (col. 4, ll. 4-11; col. 5, ll. 23-27).

3.   Claims 7, 9, 21, 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over David McComb et al, US 6,111,573, 2000, and further in view of R. Hochstedler, US 6,707,476, 2004.

As per dependent claim 7, McComb discloses the presentation on a display screen of objects of a user interface (Fig. 8) which can be freely positioned and scaled (col. 7, ll. 10-15; col. 9, ll. 61-65) by means of control elements by means of a predetermined

calculation rule (i.e. layout rule) in such a manner that the objects can be automatically

changed, in dependence on the object contents (col. 7, ll. 10-21; col. 10,ll. 12-14),

selected preferred settings (col. 9,ll. 15-24) and available display resource on the

display screen (col. 9, ll. 62-66), between a minimum readable size and a selected

maximum size in such a manner that optimum filling of the available window, e.g.

object, is achieved (col. 10, ll. 13-20, 35-40; col. 11, ll. 55-65), while suppressing less

important details of the object contents (col. 10, ll. 12-14, 20-24) and while changing the

mode of display of the object contents and/or the object (col. 5, ll. 35-40; col. 9, ll. 25-

40) as well as while avoiding mutual overlapping of the objects wherein the contents of

an object contain graphic information (col. 4, ll. 12-16) commands and various options

for processing/manipulation (fig. 5; col. 10, ll. 25-35) wherein the objects can temporarily

be displayed in enlarged form (col. 4, ll. 53-57; col. 5, ll. 2-10).

McComb fails to disclose optimally filling the available display screen surface and

wherein the contents of an object contain static information as well as dynamically

variable information.

Hochstedler discloses wherein the contents of an object contain static information as

well as dynamically variable information (col. 1, ll. 15-35).

McComb also fails to specifically disclose temporarily enlarging objects in dependence

on a given trigger signal which is produced by a control element which is defined by

object selection/object marking, which Hochstedler discloses (col. 1, ll. 12-15; Fig. 2

"42"; col. 3, ll. 60-65).

It would have been obvious to one of ordinary skill in the art to include optimally filling the available display screen surface with the method of McComb because McComb discloses a plurality of window regions that can be changed in size and appearance for arrangement on the display (col. 2, ll. 57-59).

One of ordinary skill in the art would have been motivated to include optimally filling the available display screen surface with the method of McComb for the benefit of providing an adaptable windowing system that can efficiently display information.

Additionally, it would have been obvious for one of ordinary skill in the art at the time of invention to include Hochstedler's disclosure of contents of an object contain static information as well as dynamically variable information with the method of McComb because McComb discloses the display processing data from application programs for presenting information in windows using text and graphics (col. 2, ll. 25-35), where text and graphics are exemplary of static and dynamic information. Additionally, it would have been obvious to one of ordinary skill in the art to include Hochstedler's temporarily enlarging objects in dependence on a given trigger signal which is produced by a control element which is defined by object selection/object marking with the method of McComb because McComb discloses a user input device for communicating information to the display device, and enabling user adjustment of magnification settings, where settings are known to be received via an input device, such that the combination of known elements yields predictable results.

One of ordinary in the art would have been motivated to include Hochstedler's disclosure of contents of an object contain static information as well as dynamically

variable information with the method of McComb for the benefit of displaying information

relative to various types of applications. Additionally, one of ordinary skill in the art

would have been motivated to include Hochstedler's temporarily enlarging objects in

dependence on a given trigger signal which is produced by a control element which is

defined by object selection/object marking with the method of McComb for the benefit of

improving user interaction with display objects.

As per dependent claim 9, McComb discloses wherein respective rectangular surfaces

are provided for the display of the objects on the display screen (col. 10, ll. 55-61).

Regarding claim 21, McComb discloses a briefly enlarged object (col. 4, ll. 53-57;

col. 5, ll. 2-10)

McComb fails to disclose wherein the briefly enlarged object contains patient

monitoring information, which Hochstedler discloses (col. 1, ll. 10-15; col. 3, ll. 20-25).

It would have been obvious to one of ordinary skill in the art to include

Hochstedler's briefly enlarged object containing patient monitoring information with the

method of McComb because McComb teaches interacting with applications via controls

in a GUI (col. 2, ll. 30-37, 60-67), where the applications interact with an operating

system of a computing device (col. 3, ll. 1-6), where a computing device is known to

display information from a source such as an application or device.

One of ordinary skill in the art would have been motivated to include Hochstedler's

briefly enlarged object containing patient monitoring information with the method of

McComb for the benefit of improving visualization of user selected data.

As per claims 24 and 30, McComb discloses objects are windows which display

presentation information such as text (Fig. 1).

McComb fails to disclose the windows contain patient monitoring information, which

Hochstedler discloses (Fig. 2; col. 3, ll. 5-15).

It would have been obvious to one of skill in the art to include Hochstedler's patient

monitoring information with the method of McComb because McComb teaches display

of presentation data of which patient monitoring data is exemplary.

One of ordinary skill in the art would have been motivated to include Hochstedler's

patient monitoring information with the method of McComb for the benefit of displaying

various data of user interest in a known manner.

4.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over

McComb as applied to claim 7 above, and further in view of Hochstedler, US 6,707,476,

2004 and Troy Ellis et al, US 2003/0210281, 2003.

As per dependent claim 19, McComb discloses wherein the trigger signal is produced

by a cursor touching one of the objects, such that one of the objects is temporarily

enlarged when it is being touched by the cursor (col. 4, ll. 53-57; col. 5, ll. 2-10) as does

Hochstedler (col. 1, ll. 12-15; Fig. 2 "42"; col. 3, ll. 60-65).

McComb and Hochstedler fail to disclose returning the object to its original size when

the cursor no longer touches the one of the objects, which Ellis discloses (i.e. in a

system for displaying thumbnail images having reduced content, enlarging and reducing

display size of the selected image based on respective cursor positioning on and off the

object) (Para 55).

It would have been obvious to one of ordinary skill in the art at the time of invention to

include Ellis' returning the object to its original size when the cursor no longer touches

the one of the objects with the method of McComb in view of Hochstedler because each

discloses display of graphic information within containers displayed together on a

display interface that receives input signals via an input device, e.g. mouse, to enable

user control of the graphic objects, e.g. containers, within the interface, such that the

combination of known elements yields predictable results.

One of ordinary skill in the art would have been motivated to include Ellis' returning the

object to its original size when the cursor no longer touches the one of the objects with

the method of McComb in view of Hochstedler for the advantage of providing increased

user manipulation and display of graphic objects displayed with reduced content.

5.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over R.

Hochstedler, US 6,707,476, 2004.

As per dependent claim 23, Hochstedler discloses moving the cursor on the display screen using a user input device (col. 3, ll. 55-65); in response to touching an object with the cursor, temporarily enlarging the touched object (col. 1, ll. 12-15; Fig. 2 "42"; col. 3, ll. 60-65).

Hochstedler does not specifically disclose generating a cursor on the display screen.

It would have been obvious to one of ordinary skill in the art to include generating a cursor on the display screen with the method of Hochstedler because Hochstedler discloses selecting control elements using mechanisms such as a pointing device, e.g. mouse. Official Notice is given that pointing device movement is well known to be echoed on the screen by movements of a cursor.

6.   Claims 27-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7.   Applicant's arguments filed 2/26/09 have been fully considered but they are not

persuasive.

Regarding claim 3, Applicant argues the cited portion of McComb does not disclose

filling of the display screen with window objects.

    In response, McComb discloses evaluating the contents of each contained object

(col. 10, ll. 13-20, 35-40), such that in determining layout of the containers for display on

the display screen, each object is evaluated to see if it fills the current display line.

Based on the evaluation the layout calculation adjusts the position and scale of the

contained objects to fill the available display screen area (col. 11, ll. 55-65). Thus,

McComb discloses optimal filling of the display screen surface. In response to

applicant's argument that the references fail to show certain features of applicant's

invention, it is noted that the features upon which applicant relies (i.e., displaying

window objects) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into

the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

    Based on the above rationale, claims 24-26 which depend from claim 3 are

anticipated by McComb.

Regarding claim 4, Applicant argues Hochstedler does not display on a single screen

objects corresponding to more than one patient.

In response Hochstedler discloses displaying information corresponding to more

than one patient (col. 1, ll. 10-15; col. 3, ll. 20-25). In response to applicant's argument

that the references fail to show certain features of applicant's invention, it is noted that

the features upon which applicant relies (i.e., **simultaneous** display of patient

information on a single screen) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed.

Cir. 1993).

Regarding claim 7, Applicant argues the claim elements are not disclosed by the prior

art.

In response, Examiner maintains that the prior art in combination discloses each

of the claim limitation of claim 7, as set forth in the above rejection.

Regarding claim 22, Applicant argues Hochstedler fails to disclose positioning and

scaling objects using a calculation rule...; and substituting another object and

repositioning and rescaling the displayed objects when an object ceases to display

relevant data.

In response, Hochstedler discloses two types of changes that may occur in the system. A first type relates to a change in the system capabilities (i.e. a modification of the layout) (col. 5, ll. 25-30), which occurs automatically and is based on user settings. Hochstedler discloses the user may specify that the system respond automatically to a change by automatically switching a layout (i.e. Option 2) (col. 5, ll. 41-43, 50-65). An automatic layout switch occurs based on a system evaluation of current or active capabilities, e.g. a calculation rule; and switches a layout to one more suitable for display. Switching a layout positions and scales the objects displaying received data signals, e.g. patient data, into the layout, where the objects displayed are based on user settings, and the layout fills the display with objects without overlap. Therefore, Hochstedler discloses positioning and scaling objects… and substituting another object and repositioning and rescaling the displayed objects… as he teaches automatically switching to another layout when the data displayed is no longer desired. Additionally, Applicant's arguments point out that Hochstedler does not change the object displayed when data is no longer displayed by the object. However, Applicant's claim limitation recites "ceases to display relevant data", where the display of relevant data is open to interpretation as it is not limited to the non display of data. Thus, the rejection in view of Hochstedler is maintained.

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHANTE HARRISON whose telephone number is (571)272-7659. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chante Harrison/

Examiner, Art Unit 2628